

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 10/1/12

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DAILY NEWS, L.P., :

Plaintiff, :

12 Civ. 3830 (JGK) (AJP)

-against- :

ORDER OF DISMISSAL ON CONSENT

THOMAS MONASTER, :

Defendant. :

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ANDREW J. PECK, United States Magistrate Judge:

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 30 days hereof if the settlement is not fully effectuated. The October 5, 2012 settlement conference is cancelled. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
October 1, 2012



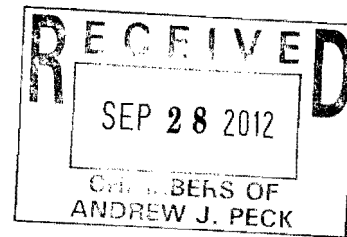
Andrew J. Peck
United States Magistrate Judge

Copies **by ECF** to: All Counsel
Judge John G. Koeltl

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September 28, 2012

Via Facsimile (212-805-7933)

Honorable Andrew J. Peck
United States District Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1350
New York, NY 10007

Re: *Daily News, L.P. v. Thomas Monaster*,
Case No. 12-cv-03830 (JGK)(AJP)

Dear Judge Peck:

We represent plaintiff Daily News, L.P. in the above-referenced action and have prepared this letter with the consent and cooperation of the attorneys for defendant Thomas Monaster.

Following referral of this action for settlement by Judge Koeltl, Your Honor ordered a settlement conference be held on October 5, 2012 and confidential settlement memorandum be provided to chambers by September 28, 2012.

The parties have reached a settlement in principle to all disputes in this action and respectfully ask that the Court remove the settlement conference from its calendar. Counsel anticipate that the parties will reach settlement by October 12, 2012, after which the parties will stipulate to dismissing the complaint and counterclaim with prejudice and to bearing their own costs and attorneys' fees.

We appreciate Your Honor's attention to this request.

Respectfully yours,

A handwritten signature in black ink, appearing to read "M.J. Williams", written over a circular stamp that partially obscures the signature. The signature is written in a cursive, flowing style.

M.J. Williams

cc: George R. McGuire, Esq. (via email)
Bond Schoeneck & King
Attorneys for Defendant Thomas Monaster